

# ARMY AND NAVY CHRONICLE.

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B. HOMANS, EDITOR.

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## Congressional Document.

### REPORT OF THE MAJOR GENERAL OF THE ARMY. HEADQUARTERS OF THE ARMY, Washington, Nov. 22, 1841.

Sir: I have the honor to submit the annual report due from this office, followed by remarks on the operations of the army, and the suggestions deemed "necessary for improving its condition and efficiency," which have been invited.

1. A tabular view of organization:
2. General return of the army.
3. Position and distribution of troops in the eastern division.
4. Position and distribution of troops in the western division.
5. A tabular exhibit of the whole number of recruits enlisted into the army, from October 1, 1840, to September 30, 1841.

Within the year a great and afflicting event has occurred in this office. My distinguished predecessor, Major General Macomb, departed this life towards the close of June. Succeeding to the command of the army, I entered upon duty July the 5th.

The field operations of the troops have been principally confined to the prosecution of the war against the Florida Indians.

In the course of the past winter and spring, Brigadier General Armistead, who commanded the troops in that war, by the aid of a delegation of Seminole chiefs brought back from the West, succeeded in peacefully sending off from Florida about 450 Indians, including their slaves. He at the same time gave effective protection to the citizens of the Territory, and caused many districts occupied by the enemy to be scoured, particularly the country east of the St. John's and towards the *Everglades*.

At his own request, that General was relieved May the 31st, when the conduct of the war devolved on the next in the rank then in the field, Colonel Worth, of the 8th infantry.

The Florida army at the time consisted of the 2d regiment of dragoons, nine companies of the 3d regiment of artillery, serving as infantry, together with the 1st, 2d, 3d, 6th, 7th, and 8th regiments of infantry, all much reduced in numbers, leaving an effective force of about 3,500 men.

The season of heat and miasma had already commenced, and partial negotiations were still pending. Finding that the promises of certain chiefs had become plainly deceptive, Col. Worth resolved to divide his forces into a number of small detachments, and to recommence hostilities everywhere at once. At the same time measures were taken to guard the frontier inhabitants, and to induce many who had fled for safety to return in confidence. Stimulated by his zeal, energy, and abilities, the Florida army, ever ready for any danger or hardship, then spread itself over the country, penetrated many secret haunts never before discovered, destroyed the growing crops and other means of subsistence in those places, and, by constantly harassing the enemy, who never stopped to combat, forced many to surrender for food and safety. Securing their families, the chiefs were turned into missionaries of peace, who found numbers willing to emigrate. Several influential leaders, previously captured and sent off, were brought back, and also employed in like missions. By combining active operations with negotiations of this sort, and without violating one promise made, or one precept

of humanity, the most extraordinary results, for the season have been obtained. A large shipment of emigrants for the West was made in October, besides many prisoners retained till they can be joined by absent members of their families known to be desirous of coming in.

The region of the Everglades, mostly under water, could not have been reached before the return of the cool season. A movement to effect this object, skillfully combined from many points, and including the flotilla of Lieut. McLaughlin, of the Navy, is no doubt now far advanced, and which has every promise of enveloping a large part, if not the whole, of Sam Jones' followers, already reduced in numbers by a band that recently deserted him for emigration. Should the gallant Colonel meet with the success in that quarter which his able combinations merit, there would only be left for him a few fragments of bands to capture.

It is highly gratifying to learn that the troops most actively engaged in the foregoing operations have suffered but very little more from disease than those of the same army left stationary at the forts and depots. Not a company of volunteers or militia was engaged in those operations or belonged to the army of Florida since Col. Worth has been in command, except two companies for the defence of the Georgia frontier, not called for by him.

It is also proper to add that, early in the summer, the 1st infantry was detached from Florida, and now garrisons Jefferson barracks, and the forts on the Upper Mississippi; that five troops of the 2d dragoons are now in march for the Red river frontier, and that the nine companies of the 3d artillery may soon be expected to occupy the forts at Pensacola, Mobile point, and the neighborhood of New Orleans—Col. Worth having reported that he could dispense with so much of the force that had come under his orders. It was also at his suggestion, that the 5th infantry, which had arrived at Jefferson barracks (near St. Louis) from the North on its way to Florida, was stopped at the former place in September; and he has been joined (the 22d of October) by six companies of the 4th infantry from Arkansas; and has had, or soon will have, the old regiments remaining with him strengthened by about 800 recruits from the general depot in the harbor of New York.

From the foregoing details, the army of Florida may, by the 15th of the next month, be estimated at something less than 3,000 effective men.

In the month of August, Fort Kent, at the mouth of Fish River, and Fort Fairfield, on the Aroostook, were each, for police purposes, occupied by a company of the 1st artillery from Houlton, near the eastern frontier of Maine, and another company of the same regiment was transferred from the harbor of N. York to that of Portsmouth, New Hampshire. In the same month the 2d artillery was brought down from the Niagara and Sacket's Harbor to the seaboard, and it now garrisons the works in Newport and New York harbors, Fort Mifflin, (on the Delaware,) and Fort Monroe, (Hampton Roads.) This movement induced an extension of the 4th artillery (stationed on Lake Huron and the Detroit) to Buffalo and Sacket's Harbor; and the retrograde movement of the 5th infantry, from Jefferson barracks, (which now occupies the forts on Lake Huron and the Detroit,) has caused the remainder of the 4th artillery to be ordered down, so as to give four companies to Poinsett barracks, (at Buffalo,) one to Fort Niagara, one to Fort Ontario, (at Oswego,) and four to Madison Barracks, (Sacket's Harbor.)

It has been said that six companies of the 4th infantry are now in Florida; three remained in the Southwest, to be concentrated on the upper Arkansas on the arrival on the Red river of the five troops of the 2d dragoons now in march from Florida. The remaining company of the 4th infantry took post at the Baton Rouge arsenal in October.

It is confidently believed that sixteen regiments is the *minimum* regular force now absolutely required by the country—not for actual war, but as a standing guard against outbreaks on the part of Indians and hostilities from abroad—sometimes imminent, and always to be looked to with solicitude by those immediately charged with the defence of our soil. Of such force we have but fourteen regiments—two of cavalry, four of artillery, and eight of infantry. Additions of one regiment to the artillery arm, and of one to that of infantry, are respectfully suggested.

On the suppositions of this slight augmentation and the termination of the Florida war, the following would be the proposed peace distribution of the army: Five regiments (two of cavalry and three of infantry) along the frontiers, between the upper Sabine and the great falls of the Mississippi, with a sixth regiment (infantry) held in reserve at Jefferson barracks, near St. Louis, whence it might, by steam, in the seasons of danger, be rapidly carried near to either of those particular borders: five regiments of infantry along the frontiers between the upper Mississippi (or Lake Superior) and Houlton, in Maine; and five regiments of artillery to garrison the forts along the seaboard, including the Gulf of Mexico.

The necessity of the augmentation will be apparent by considering the immense extent of outline to be guarded, and the remoteness of numerous points from any dense population of citizens; the many tribes of Indians recently transplanted from the east to districts just beyond Louisiana, Arkansas, Missouri, and Iowa; and the number, the cost, and importance of the forts constructed, or about to be constructed on the seaboard and the Canada frontiers.

Besides the obligation to defend States and Territories against predatory incursions on the part of Indians, accumulated on their borders by the act of Government, there are treaty stipulations to protect some of the transplanted tribes against their new and more savage neighbors beyond them; and it may be added, that the entire removal of the peace garrisons from the permanent forts during the last five or six years for the Florida war, has caused serious injuries to those works. The injuries are now undergoing reparation by hired laborers; but if a small garrison, at least, be not maintained in every fort, dilapidation must again speedily ensue.

There are, in the Quartermaster's department, twenty-eight, and in the Subsistence department four assistants—making thirty-two officers, each with the rank of captain in the staff, and at the same time holding another commission in some regiment of the line, to the exclusion of a captain or a lieutenant. Of those assistants, twenty-one are already captains of companies, from which they are permanently and necessarily detached on staff duties. Their companies, of course, are commanded by lieutenants, who get neither the rank, pay, (proper,) nor the emoluments of the absent captains. This is not only unjust to the lieutenants, but, what is worse, the vacant companies suffer greatly in parental care, instruction and discipline by the frequent and unavoidable changes in their lieutenant commanders; whereas, captains, serving with companies, are at once the fathers of their men and the pivots of the line. No movement can be well executed without these officers. Even to supply their places, when temporarily absent by reason of wounds, sickness, or occasional indulgences, is always attended with some injury to the service. The evil, therefore, ought not to be aggravated by the

the statutory provision, which requires that every staff assistant shall also be an officer in a regiment, and consequently with the right of promotion in the line, whilst the officers of the latter can only enter the staff at the foot of the list. This partiality gives to the assistants (at least up to a majority) a double chance of promotion, with only a single set of duties.

For the foregoing reasons I beg leave to suggest an amendment of the law, declaring that the present assistant quartermasters and assistant commissaries of subsistence, and all others of the same denominations who may hereafter be appointed, shall not hold such commissions in the staff, and regimental commissions at the same time, but shall immediately relinquish one or the other.

The superior officers of both those branches of the staff are already separated from the regiments of the line; and it was originally intended that the twenty-eight assistant quartermasters should also have been so separated. The *proviso* of the act of July 5, 1838, section 9, was to that effect; but this, in a few days, unfortunately became changed by a supplemental act.

The present inequality of pay between the officers of the same grades in the different branches of the common service is highly unjust, and a source of much uncomfortable feeling. The dragoon and staff officers, including those of the engineers, topographical engineers, and ordnance, have *all*, under the name of *cavalry pay*, received the higher rates over the artillery and infantry officers since July 5, 1838. Several attempts have been made in Congress to do justice to the officers of the latter arms, but, as yet, without success. To favor an end so entirely equitable, I beg leave to suggest that a near approximation might be attained by granting to the artillery and infantry officers one additional ration *per diem* each for every four instead of five years service—the provision of law now applicable to all army officers other than the generals. Two rations *per diem* for every seven years service would, after a few terms, effect an exact equalization between the parties, and at the end of his thirtieth year the accumulation might be made to cease with every officer throughout the army.

I beg leave to recall attention to two subjects of great interest, which were pressed on the Department by my predecessor in his annual reports of 1839 and 1840. 1. To a system not of pensions, but of *retired pay*, presented with full details in the second of those reports; and, 2. To some provision of law in favor of widows and orphans of regular officers who have died or may die in consequence of wounds received or diseases contracted in service, there being such provision already made in behalf of the widows and orphans of navy, volunteer, and militia officers, dying under the same circumstances. Indeed, the whole subject of army pensions to widows and orphans, and to disabled officers, requires equitable revision.

A bill for the establishment of an *army asylum* was reported at the last regular session of Congress, with every prospect of success, except the then want of time. A review of the provisions of this bill cannot, I think, fail to secure to it a favorable consideration in every quarter.

I have the honor to remain, sir, with high respect, your most obedient servant.

WINFIELD SCOTT,

To the Hon. JOHN C. SPENCER,  
Secretary of War.

FORT ADAMS.—A reference to our marine list will show, that the armament of this important fortress is rapidly progressing. A schooner arrived last week with 10,000 lbs. of gunpowder for the fort, and on Monday a brig loaded with ordnance arrived from the armory near Washington. The fort soon will be, if it is not now, in a situation to repel any force that might be brought against it.—*Rhode Islander*.



**THE FRIGATE MISSISSIPPI.**—Through the politeness of Captain Gwinn we were yesterday enabled to inspect the arrangements of the steamer Mississippi, in their present forward state. On board, all is bustle, and the work of preparation is going on night and day. Every thing is now finished, with the exception of portions of the engines. Her stores are all on board—her armament is expected every day—and yesterday, a number of officers, with one hundred and twenty sailors, went on board, the command being temporarily given to Captain Kelly. A part of her bunks were yesterday filled with coal, and this morning, at daylight, she was hauled out into the stream, where she will lie until ice appears, upon the first indication of which, by the aid of the City Ice Boat, (now in perfect readiness for service) she will be taken to New Castle, at which place she will be finished.

This ship has been constructed under the immediate superintendence of Captain Gwinn, and to his untiring exertions is, in a great measure, to be attributed the general neatness and perfect order of her arrangements throughout; a task rendered the more difficult, from the fact of there being but little that past experience had proved to be good, to guide him. As she now is, she is beautiful indeed; and in thus expressing our opinion, we do but echo that of others, much better able to judge in the matter than ourself.

The captain's cabin is neatly fitted up with hangings over the stern windows, in front of which is a handsome mahogany sideboard, with lounges on each side, filling in the whole breadth of the stern. A Turkey carpet covers the floor, and handsome book cases and bureaus are fitted into appropriate places. The wood work in this room is colored to resemble maple, but in the others it is painted with a pure white. The closets are numerous, and nothing appears to be wanting, either for comfort or ease, if the space in which things were placed be set aside. Next to the captain's cabin is the lieutenants' room, spacious and neatly furnished; next to this, on both sides, are the midshipmen's mess and sleeping rooms, and further on, and near to the boilers, are the berths of several of the inferior officers. On the same deck forward, are the accommodations for two hundred and twenty sailors. Below this are a number of the store rooms, all fitted up so as to accommodate much in a little space, but with every thing so arranged, that the person in charge of each room can lay his hand upon any required article even in the midst of darkness.

In the bow of the vessel is one of the magazines, the arrangement of which is such, as in the highest degree to add to the safety of the vessel. The powder is contained in wooden boxes, lined with lead, each box having two air-tight doors, so that in case of their being a necessity of flooding the magazines, the water will be kept from the powder entirely. There is another magazine aft, under the captain's cabin. The construction of the coal-bunks is very ingenious; and they are so arranged, that the coal may be brought to the fires without any difficulty. Of the engine, it is needless to speak. The vast and complicated mass is rapidly approaching perfection, and every part looks neat and symmetrical. The four copper boilers, weighing each twenty tons, are placed abaft the engine; and above them is a deck, on which are the rooms and berths of a number of the inferior officers. Every thing is plain, substantial, and neat.—*United States Gazette.*

As an instance of the utility of the naval establishment located on Smith's wharf, Cooper river, at the upper part of the city, we may mention that several cotton loaded boats were during the blow yesterday morning obliged to lighten by throwing a number of bales overboard. In doing this and in other endeavors to save the property of citizens, prompt and efficient aid was rendered by the U. S. sailors under the order of Lieut. RICE.—*Charleston, S. C. Patriot.*

## Intelligence.

### FLORIDA WAR.

*From the Savannah Republican, Dec. 20.*

By the steamer Cincinnati, Capt. Smith, arrived on Saturday from Pilatka, we learn that the expedition of Lieut. G. W. Patten to the head waters of the St. John's, after an absence of ten days, returned to Fort Mellon on the 8th inst. The country south of Lake Harney was inundated, and it was next to impossible to ascertain the true channel. The consequence was, that the canoes were frequently entangled amid intricacies from which it was difficult to liberate them. Lt. Patten examined several places, on two of which he discovered fields containing sweet potatoes, Lima beans, peppers, &c., which the Indians had planted during the summer. The Indians, however, had left the islands, probably to join the forces of Sam Jones or Halleck Tustenuggee.

We further learn that Lt. Col. Riley had arrived at Fort Pierce, and was daily expected by the land route to Fort Mellon.

*From the Savannah Georgian, Dec. 25.*

By the steamer Beaufort, Capt. Peck, the editors of the Georgian have received from a correspondent the subjoined letter, and have been favored by a friend with the following information:

*Extract of a letter, dated St. Augustine, 22d inst.*

"A negro has come in at Picolata last night, who states that several persons had been murdered near Mandarin. Lieut. Judd, who commands at this post, started this morning with 20 men for the scene of the reported murder.

"A letter received from Tampa Bay states, that the steam-boat Colonel Harney had started for Key Biscayne, to take the Indians at that post to the West."

*Correspondence of the Savannah Georgian.*

FLORIDA, 22d Dec. 1841.—The news of the greatest interest to most of your readers from this section of the country, is rather of a mixed character, partly good—and from a disappointment of the hopes of many, bad; for the Florida war is not ended yet, nor is there a probability for some time to come.

Maxy-Hajo, from Lake Istahpogo, has arrived at Tampa Bay with his party of about 35. The Creeks are assembling at the mouth of the Withlacooches, and no doubt will surrender; but Sam Jones, Prophet, Billy Bowlegs, and Halleck Tustenuggee, all in the Everglades, have not been seen, nor do they intend to surrender. News reached here this morning, that three families had been murdered at Mandarin, on the St. John's, by the Indians. It is hardly believed, as the Indians have never been there since the commencement of the war. Should it be true, all our hopes of an end of this war have vanished, and it may be set down as interminable; as the Indians have, by this act, got behind the Picolata line, and in the heart of the settlements—carrying the war truly to in Africa.

ST. AUGUSTINE, Dec. 11.—The steamer William Gaston, Capt. Henry, arrived here yesterday from southern posts, with a part of "I" and "A" company, 2d infantry.

Major Childs, in command of detachments of seven companies of the 3d artillery, amounting to 200 men, left Fort Dallas at 1 o'clock on the 27th ult. to take up his position on the Big Cypress, agreeably to orders from Col. Worth. The officers accompanying the major, we learn, are Captain Wade, Lieut's. T. W. Sherman, Taylor, Steptoe, Wyse, Shover, Rankin, Churchill, Thomas, W. T. Sherman; Lieut. Ord, Acting Adjutant, and Ass't. Surgeon Simons. The expedition went off in high spirits, anticipating Indians as trophies of the fatigue that they are conscious they must undergo, and hoping it may be final.

It is expected that Major Childs' command will return about the 25th inst.

Majors C. H. Smith, E. Van Ness, and Hunter, Paymasters U. S. army, arrived in town on Thursday last.—*News*.

The expedition of boats to the Everglades returned to Key Biscayne on the night of the 22d November, and the squadron of schooners lying there were immediately sent to Indian Key to fit out another. The expedition had been out 44 days, captured no Indians, but destroyed their cornfields, and potato and pumpkin patches, and returned with only the loss of one man, by sickness.—*Norfolk Herald*.

**AN ARMED STEAMER.**—The subject of an armed steamer upon our lakes is, we are glad to learn, exciting general attention. The municipal authorities of Buffalo, Cleveland and Chicago have already moved in the matter, and our own Common Council took up the subject at a recent special meeting. This is the proper mode of agitating the subject and of pressing it upon the attention of the President, and we cannot but believe that measures will be speedily taken to build a boat.

In connection with this subject, we may remark that we have been furnished with the number of vessels cleared and entered at this port alone, and we find them to be as follows:—

Entries in 1840,.....	918
Clearances,.....	637
	—1605
Entries from June to Nov. 1841,.....	590
Clearances, do. do. 1841,.....	729
	—1319

In these numbers are not included the vessels which pass through to Chicago.

The following is the tonnage of sail vessels, registered in this district, over 20 tons:—

Sail vessels,.....	75
Steamboats,.....	—8,448

The whole of this commerce, together with that registered elsewhere, is unprotected! This is wrong. Every consideration of sound policy demands that the government should do something in the premises forthwith.—*Detroit Advertiser*.

[Orders have already been issued to collect the necessary materials, with which to commence the building of a boat in the spring.—*Ed. A. & N. C.*]

**WESTERN ARMORY.**—A committee of the Tennessee Legislature have reported the following points as eligible sites for a National Armory within the limits of that State, viz:

1. Cloud's Shoals, in Hawkins County.
2. Stane Fort, in Coffee County.
3. Fall's of Caney Fork, Warren County.
4. Terminus of Central Railroad on Tennessee river in Hardin County.
5. Brownport, on Tennessee river, Perry County.
6. City of Memphis, Shelby County.—*St. Louis Republican*

**THE NAVY.**—A correspondent states, that out of 67 post captains at present on the list, but 11 have been tried by Court Martial within the last 26 years. Six were tried upon charges originating in difficulties with their seniors or juniors, and the remaining five were arraigned through the complaints of individual citizens, or were placed upon trial by the imperative voice of the nation. Six of the foregoing cases were acquitted, and the rest were sentenced to various punishments. Out of the list of commanders now constituting in number on the register 97,—11 have been tried, 10 sentenced to various punishments, and 1 only acquitted. The number of lieutenants who have been tried, is in proportion still smaller. We may allude to some further hints of our correspondent hereafter.—*Philadelphia Inquirer*.

## WASHINGTON CITY.

THURSDAY...DECEMBER 30, 1841.

An idle rumor has been circulated in many papers, that Major General GAINES had been arrested in Washington for leaving his post without authority. There is no truth in the rumor. On the contrary, a reference to our head of "Military Intelligence" will show that a leave of absence for two months has been granted to him for the purpose of attending to important public and private business in Washington.

MAJOR J. A. ASHBY, late of the 2d regiment of dragoons, U. S. A., has established himself in Charleston, S. C., as an attorney at law.

We received, not long since, a printed list of the students at the Theological Seminary, Princeton, N. J., and find among the names that of M. S. CULBERTSON, recently of the U. S. Army.

MR. JOHN SMITH FRASER, of New York city, has removed his clothing establishment to No. 122 Broadway, directly opposite the City Hotel. From his long experience in his line of business, he is beyond doubt amply qualified to suit the outer man. Those interested are referred to his advertisement in another column.

### ARRIVALS AT WASHINGTON.

Dec 15—Capt W G Freeman, A G Dep Mrs Latimer's.  
16—Capt J C Casey, Com Sub Fuller's.  
21—Capt J Page, 4th Inf Gadsby's.  
24—Bvt Col Fanning, 2d Art'y Fuller's.  
Lieut M S Miller, 3d Art'y J Mason, Jr's.  
27—B M Byrne, Asst Surgeon army, Fuller's.

### PASSENGERS.

NEW YORK.—Dec 23, per ship Louisa, from Ivica, Lieuts A E Downes and R Forrest, of the navy. (Late-ly attached to the Preble.) Dec 21, per ship Stephen Whitney, from Liverpool, Capt I McKeever, of the navy, and lady.

PHILADELPHIA.—Dec 22, per ship Monongahela, from Liverpool, Dr B M Byrne, of the army.

NEW ORLEANS.—Dec 15, per steamer Giraffe, from Mobile, Col D E Twiggs, of the army.

### Communications.

#### COURTS MARTIAL.—No. III.

MR. EDITOR: In pursuing this subject and in following the text furnished by the very competent correspondent of the New York "Commercial," I only desire to bring out things in a clear light, stripped of all adventitious coloring; and to present them in a view that perhaps may not have struck the attention (by their common place,) of indifferent observers. In doing so I find it necessary to transcribe another paragraph from the article under consideration, speaking of the remedy that he supposes would cure or correct these hasty ill-digested, and incongruous verdicts of Military courts, the writer says:

"Let the Executive, by reversing their decisions, expose their folly, and they will soon find their judgments not infallible; there will no longer be occasion for clamor against Courts Martial."

And does this gentleman really think such a rebuke would prove a panacea for all the delinquen-



cies of these tribunals? why it is administered to them almost daily, I will not say in broken doses, but in such Herculean quantities, (as the faculty calls it) as ought to revolutionize the whole system.

The recent batch of sentences at Norfolk, once alluded to, equal to an Old Bailey deliverance, with the opinion of the approving power upon them is a sufficient answer to the preceding quotation. But all this, depend on it, will not alter the case; the same exceptions, and the same positive censure have been applied to the "folly" of such proceedings during the last twenty years, by every head of our department, and where are the fruits of such chastening or the improvement under such teachings and reproofs? None whatever; the thing has gone on from bad to worse until, as I have long expected, its flagrant and glaring extravagance has arrested the attention and enlisted the sympathies of a whole people. Although it would seem but slightly probably that we can hope for any essential change in the findings of Courts (complained of as wholly indefensible in evidence, forms and practice) without a re-modeling of our naval code, recommended by the talented lawyer at the head of our affairs, yet much can be done by enjoining it on all officers, by regulation, as a part of their duty, to make themselves acquainted with the first principles involved in all legal judgments, and to compel a knowledge of the rudiments of jurisprudence.

There is no station in life, whatever calling it may be, that can or ought to be absolved from a certain share of a right understanding and an administration of the laws by which we are governed and protected in society. *A fortiori*, how entirely and absolutely indispensable is a thorough knowledge of such matters to a magistrate civil or military, who is clothed with powers, which, if badly or ignorantly employed, may prove worse than a pestilence at noon day? The importance of educated men, at least in this branch of duty, has suggested to me the expediency of commanding it as a part of the examination of a midshipman passing to a commission, that he should be familiar with the great first lines taught by the best authorities on evidence and practice, before he assumed the dangerous responsibility of passing upon the honor, or the life of a brother officer or seaman. As to 'old uns,' (I say it in perfect good nature) they are past redemption; they have trodden in the same track so long, most of them, I believe beyond the suspicion of bad motives, that it seems to have become so much a mere matter of course to "lynch" every body that is brought before them, that really an acquittal now (unless a prisoner of rank) is as rare as a black swan, if not a "lion," in the service.

But to be serious. Aside from all defects and delinquencies, confessed on every hand in the judicial character of naval officers, we come to a more painful part of this subject, and ask in all sincerity what recompense, what indemnification, an accused before one of these inquisitions is to receive for all the heart-burnings and tortures inflicted by his arraignment and condemnation after his restoration to rank by a discovery of the revising power, that there was no proof to convict him? Is all the laceration of feelings, the distress of friends, the untold agonies of the domestic hearth, the wide spread notoriety of his guilt and shame, to be held as nothing? No atonement for such an accumulation of wrong but the poor apology of ignorance, no aid of comfort for such wanton cruelty on all the charities of life? There was a law, (I know not if it still exists) subjecting a prosecutor to some penalty if he failed to substantiate his charges; or in the event of their being found frivolous or vexatious. How many trials of late might be arranged under that category, and what a dead letter it must be, if allowed to remain on the statute book! It would be a useless task, if it were successful, to analyze the singular and eccentric decision promulgated from these elevated "Benches." So perfectly secure do they sometimes esteem their po-

sition from the slightest taint of prejudice or suspicion in their proceedings, that a general court martial on a foreign station has been seen dining with the Commander in Chief, and reciprocating all the familiar civilities on such occasions, when officers at the same time, high in their grade, were before them for trial on charges furnished by himself and in the result of which he took a deep interest. What could be expected from such a very delicate relationship, but every thing that was desirable! It was only the other day, at Norfolk, a commander and a lieutenant of the same ship were tried for the same offence. I dislike particulars; "Jack" would call it "freshening the nip too often." The evidence was clear in both cases; every allegation was proved; the superior was punished by a removal from his command, the inferior cashiered. The former, whose trial has been published by Congress, is now a post captain, and the unfortunate, sub. is convinced no doubt by this time that 'saucy for the goose is not saucy for the gander.'

\* \* K.

Not wishing to trespass too much on your space, I shall defer further remarks to another number.

#### DISCHARGE OF SOLDIERS.

MR. EDITOR:—Having had some experience in the discharge of soldiers, I have had occasion to consult Law, and Lawyers; and have come to the conclusion, that the civil authority can discharge a man in the following cases:

*First.* The law only authorizes the enlistment of citizens, native or naturalized; consequently, that of all foreigners is illegal and void. The proper remedy for this would be for Congress to legalize the enlistment of a foreigner, under twenty-five years of age, as the prejudices he might have in favor of his native country would not be very strong before that age.

*Second.* Minors may be discharged, who have enlisted under 18 years of age; and over 18, if they did not obtain the consent of their parents, or guardians. Sometimes the lad swears falsely, or produces the forged consent of his legal protectors, in which case they can reclaim him; but he cannot get off on his own application, as he cannot plead his own wrong, in his own justification. His false oath in this case, it has been decided, is not perjury. If the lad has been notoriously left to provide for himself, he is accountable for his own actions, and his enlistment is legal; for his guardians cease to be such when they do not provide for him. No one can appoint a guardian after he enlists, and in that way obtain his discharge. The remedy for all these difficulties would be, for Congress to pass a law, making the oath of the recruit sufficient testimony, and allowing the enlistment of any one who would swear he had no parents or guardians, or that he was 21 years old; and making false swearing in the case felony, punishable with imprisonment.

*Third.* Men enlisted in the field or in the Indian territory are from necessity sworn in by the adjutant, who has no right to administer an oath; and of course all such enlistments are illegal, and consequently void. The remedy for this would be, to give the Adjutant the power delegated to the Judge Advocate, in the 15th article of war; or add the words, "Adjutant" directly after Judge Advocate, in that article, a necessary step which it is hoped Congress will take.

*Fourth.* Men enlisted for soldiers, who are put to work to build permanent barracks on the frontier in time of peace, may be discharged. Because the contract they made is violated on the part of the Government; and of course when the strong party is faithless, it is the province of the law to dissolve the connexion, to protect the weak. There is not as much reason, why the poor soldier should be put to quarrying stone, which will not be built into a fort until his time has expired, as there is for the employment of the clerks in the departments, on the public

buildings at Washington. Not as much, I say, because there would be more show of justice in the latter case, the clerks are better paid and might expect to enjoy some comfort for their labor, a hope denied to the more helpless victim. The only cure for this, would be to pay those men the same wages they could demand if they were free from the service, by which the Government would in the end be gainer.

*Fifth.* The enlistment of any soldier is void if, previously to his taking the oath, the articles of war have not been read to him. R.

#### EQUALIZATION OF THE PAY OF THE ARMY.

The plan, recently submitted by Major General Scott, to the Secretary of War, for the equalization of the pay of the staff and line of the army, will no doubt give the most entire satisfaction to both branches of the service. It does not affect the pay of the staff, while it increases that of the line, in such a manner that at the expiration of thirty years, the amount received by the latter, will be equal to that received by the former.

The plan is an excellent one, and worthy of our distinguished chief. By it, line officers are allowed one additional ration per diem each, for every four instead of five years service; and two rations for every seven instead of ten years service. A little calculation will show that an exact equalization between the parties will be effected in about thirty years, by leaving out of the account the allowance for forage to staff officers. This allowance no one can object to, as staff officers are obliged to keep horses in the service, and certify on honor to the fact, in order to receive it.

It is ardently to be hoped that Congress will take up this matter early, and adopt General Scott's plan or an equivalent.

The difference in the pay of the staff and line has caused much unpleasant feeling in the army, and given rise to discussions and comparisons, which are unprofitable and detrimental to that harmony which ought to exist among the officers of the different branches of our service. The seeming superiority of the staff over the line is injurious to military feeling and zealous devotion to the profession, especially among young officers, who, instead of endeavoring to perfect themselves in their own arm of the service, and distinguish themselves as soldiers, are seeking staff appointments; renders them indifferent and negligent in the performance of their duties. Some seek these appointments on account of the extra pay; but more, from the mistaken opinion that the line, as it is poorly paid, is less honorable and important.

Let this invidious distinction created by Congress, through a difference of pay, be abolished, and an evil of no ordinary magnitude in the army will be eradicated.

WARREN.

### ARMY.

ORDERS, } HEAD QUARTERS, EASTERN DIVISION,  
No. 16. } Troy, N. Y. Dec. 10, 1841.

I. Captain R. Anderson having resigned his staff appointment, and having been relieved from duty at these Head Quarters, Capt. Ed. Schriver, A. A. General, is hereby announced to the Division as chief of the staff. Applications and reports will be addressed accordingly.

JOHN E. WOOL, Brig. Gen.

II. The attention of the Officers of the Division is called to paragraph 790, and following, of the General Regulations for the army, on "Military Correspondence", and a strict compliance therewith enjoined. Letters, &c. designed to be laid before the General, are not only to be enclosed to the Assistant Adjutant General, but addressed to that officer.

Except when prescribed by regulations or required by an emergency, correspondence with the Head Quarters of the army, through the Adjutant General, is prohibited.

III. In applications for courts martial for the trial of soldiers the number of prisoners to be arraigned, the charges against each, and the names of the respective accusers, will be briefly stated in the following form:

Number of Prisoners for trial.	Charges.	Accusers
1	Desertion.	Lieut. A. B.
1	do.	Capt. C. D.
1	Sleeping on post.	Maj. R. S.
Total, 3		

A report of the arrival and departure of officers, if any, since the date of the last post return, will also be embraced in the applications.

IV. When a knowledge of orders and instructions issued by commanders of regiments and posts would be useful for the transaction of business, at Division Head Quarters, copies of the same will be promptly furnished. The usual letters of transmittal need not accompany them.

BY COMMAND OF BRIGADIER GENERAL WOOL.

E. SCHRIVER, A. A. Gen.

*Circular mem. to commanders.*

Unless letters be very important, and such as would be preserved for future reference, they will be folded as single, and not enveloped. Acknowledgments of orders received, and reports of officers' return to stations from detached duty, &c. &c., are of this kind. Letters of transmittal may be written on half sheets of paper.

The copies of orders required in paragraph IV are those usually issued when stations of companies are changed; when officers are detached, &c. &c. E. S.

### Military Intelligence.

Major General Gaines has been authorized to remain in Washington, having public duties and private interests requiring his attention for two months from the 23d December 1841. During the temporary absence of Gen. Gaines, the command of the western division is devolved on Brig. Gen. Atkinson, the officer next in rank therein. His head quarters are at Jefferson Barracks.

*Adjutant General's Department.*—Bvt. Capt. Prentiss, A. A. G. assigned to duty at the head quarters of the Western Division; Bvt. capt. Bliss, A. A. G. to duty at the head quarters of the 2nd military department; and Bvt. Capt. Freeman, A. A. G. to duty in the Adjutant General's office.

*Medical Department.*—Asst Surgeon Lively, now on duty at Fort Columbus, ordered to Fort Preble, to relieve Asst. Sur. Sargent, who will then repair to Fort Constitution for duty. Asst. Sur. Porter assigned to duty at Fort Adams.

*Subsistence Department.*—Capt. A. B. Eaton, Com. Sub. assigned to duty at New York.

*1st Dragoons.*—First Lieut. H. S. Turner appointed Adjutant, vice Lieut. P. R. Thompson, who has resigned his staff appointment.

*2nd Dragoons.*—Five companies left Mount Vernon Arsenal, Ala., Dec. 13, for Baton Rouge.

### NAVY.

#### OFFICIAL.

##### NAVAL GENERAL ORDER.

Whenever an officer shall be arrested on a foreign station, it shall be the duty of the Commander-in-Chief of the station to order a Court for his trial, as soon as possible after he shall be notified of the arrest; and this he shall not refuse nor delay, except for imperative reasons, connected with the public service.

If such imperative reasons shall exist, so that a Court Martial cannot be detailed, and actually set for the trial of the accused, his arrest may continue for thirty days after the Commander-in-Chief of the station shall be notified thereof, and no longer; and the accused shall then be returned to duty unless for sufficient reasons, the Commander-in-Chief shall otherwise direct: but he



shall be again arrested and shall be tried as soon as the condition of the service will admit of it.

No officer arrested on a foreign station shall be confined to his room, nor restrained from the proper use of any part of the ship, in which, before his arrest, he had a right to be, except the quarter deck, unless such restraint shall be necessary for the safety of the ship or the preservation of good order and discipline; and even in that case, he shall be no farther restrained than shall be necessary.

A. P. UPSHUR.

NAVY DEPARTMENT, Dec. 15, 1841.

### Naval Intelligence.

#### U S VESSELS OF WAR REPORTED.

Brig Dolphin, Comm'r W W McKean, at Carthage, Oct 23.

HOME SQUADRON.—steamer Mississippi has been towed down to the piers at Newcastle, to avoid the ice in the Delaware.

MEDITERRANEAN SQUADRON.—A letter to the editors of the New York Express, from port Mahon, Sept 27, announces the following changes as having taken place in the squadron:

Lieuts A E Downes and R Forrest, return to the United States in the store ship.

Lieut J I Boyle, 2nd of the Fairfield, goes 1st of the Preble, vice Downes.

Passed Mid Stephen Dod, promoted to acting Lieut. Passed Mid E Lanier, to be master of the Fairfield.

Passed Mid Frailey to be acting Lieut. and Passed Mid W Ronckendorff to be Master on board the Preble.

Later accounts have been received from the Squadron.

WEST INDIA SQUADRON.—Frigate Macedonian, bearing the broad pendant of Com. Wilkinson, was towed down to the Hampton Roads on the 15th, by the steamer Poinsett, Lt Com'r Glisson.

Sloop Warren, Commander C L Williamson, will be detained a few days, not having her complement of men.

The Norfolk Beacon contains the following list of officers attached to the Macedonian:

Commodore. JESSE. WILKINSON, Lieutenants, John E Bispham, Wm H Noland, George L Selden, A F V Gray, Wm A Jones, Purser, Edward T Dunn. Acting Master, John N Maffitt. Chaplain, Rev'd Mr Talbot. Lt of Marines, R C Caldwell. Comm's Secretary, Thomas Miller. Ass't Surgeons, Jno A Guion, Wm G Willson. Prof of Mathematics, John T Huston. Comd's clerk, Thomas W Jordan. Midshipmen, Charles Wager, Peter Wager, Duncan, McRea, Willis, Cushman, DeKoven, Stewart, Hammond, Hugunin, Wells, Queen, Buckner, Johnson, Wainwright, Gordon, Spence, Ford, Lee, Price. Boatswain, George Wilmuth. Gunner, John Caulk. Carpenter Wm M Lighton. Sailmaker, John Peed.

The Macedonian went to sea, on Monday, the 20th. BRAZIL SQUADRON.—ship Decatur, Comm'r Ogden, still at Buenos Ayres, Oct 14, all well.

PACIFIC SQUADRON.—Frigate United States, Capt J Armstrong, dropped down to Hampton Roads on Wednesday, 15th inst. Commo Jones hoisted his flag in due form, on the 9th inst.

Schr Shark, Comm'r A Bigelow, was at Talcuahana, about the 1st Sept.—all well; to sail for the leeward in a few days.

REVENUE CUTTER SERVICE.—The Hamilton, Capt Sturgis, arrived at Boston, on Monday, Dec, 20, from a cruise of 18 days. Experienced very bad weather. On the 16th, blowing strong and a gale coming on, the H run into George's Island roads, and during the night it blew a complete tempest. The H. is last from Nantasket, with the crew of ship Mohawk; also the yards and topmast on deck.

#### NOTICE TO MARINERS.

Through the politeness of Mr W A Wood, we have been furnished with the following latitudes, and longi-

tudes, which may be relied upon as surveyed by Lieut Comd't L. M. Powell, of U. S. brig Consort, in 1841:

Pensacola Bar, lat 30 20 lon 87 14.

St Andrew's Island, N. W. point, lat 30 02 57 lon 85 44 45.

St Joseph's Lighthouse, lat 29 51 48; lon 85 30 10.

Capé St Blas, lon 85 21.

Apalachicola West Pass Lighthouse, (fixed light) lat 29 37 06; lon 85 60.

Dog Island, or East Pass Lighthouse, (revolving light) lat 29 43 32 lon; S 4 41.—*Apalachicola paper.*

Information has been officially received from the Consul of Tuscany, at New York, that the light house at the entrance of the port of Leghorn will be illuminated by a lenticular apparatus, revolving so as to present a bright white light and a bright red light alternately, at intervals of forty seconds between each. The lights will be placed at the height of sixty feet above the level of the sea; and the bright lights will be visible, in clear weather, at the distance of seven sea leagues. During the intervals between the bright light, a less brilliant light will be observed within three sea leagues beyond which distance no light will be seen during the said intervals.



### TO THE OFFICERS OF THE ARMY AND NAVY.

UNITED STATES.

CASH TAILORING

EMPORIUM,

No. 12 JOHN STREET,

(near Broadway.)

The subscriber would respectfully call the attention of the officers of the Army and Navy to the fact that they can be supplied at the Emporium with any article of uniform, made agreeably to the prescribed regulations.

Having had several years experience in business at West Point, he feels confident that he can furnish as good an article as can be produced by any establishment in the city, at a reduction of at least twenty-five per cent, from former prices—for cash.

Dec. 30—6r

W. R. WILLIAMS, Agent.

MARINE TELEGRAPH FLAGS.—The undersigned has furnished two thousand sail of vessels with the Marine Telegraph Flags, and has lately published the second edition of the new Semaphoric Signal Book, wherein is engrafted Marryatt's Signal Numbers, embracing twelve thousand sail of vessels, as adopted by the British and French Governments, at Lloyd's Coffee House, London, and used by the Holyhead and Liverpool Line of Telegraphs.

Dec. 9—tf

JOHN R. PARKER,

Proprietor Semaphoric Telegraph.

For sale by B. HOMANS, at the office of the Army and Navy Chronicle.

### CLASSICAL & MATHEMATICAL SCHOOL

—NEAR WEST POINT, N. Y.—

Z. J. D. KINSLEY, a graduate of the U. S. Military Academy, and for many years instructor of artillery in that institution, residing on his farm contiguous to West Point, will receive into his family and instruct a limited number of pupils, in the usual branches of a thorough English education; and, if desired, in so much of the classics as to prepare them to enter College.

The academic year will consist of two terms of five months each. the winter term will commence on the first of November, and will close on the 31st of March; the summer term on the 1st of May, and close on the 30th of September.

Pupils will be received at any time, and instruction will be continued during vacation for the benefit of such pupils as may wish to remain, at the same rate as during the term.